

## **REMARKS**

### **Claim Rejections**

Claims 1, 2, 3, 5, 7, 9, 10, 11, 14-17 and 20 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1 and 15 are rejected under 35 U.S.C. § 101. Claims 1-12, 14-18, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Diaz et al. (US 6,430,486). Claims 13 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diaz et al.

### **Drawings**

It is noted that the Examiner has accepted the drawings as originally filed with this Application.

### **New Claims**

By this Amendment, Applicant has canceled claims 1-20 and has added new claims 21-35 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

In the present invention, the T/D system performs a plan operation for goods before distribution and after accepting orders. The route (path) is NOT fixed and is flexible depending on the orders and the information, such as cost, expense, benefit, reward, drivers, vehicles, resources and energy.

The system taught in Diaz et al. processes the distribution on a real-time basis, and the distribution route (path) is fixed for a specific destination, since the distribution is a real-time operation, different factors are considered such as the condition of weather and traffic.

The present invention teaches establishing T&D data including customer information, distribution destination information, planned distribution time, road size, vehicle size, destination coordination, and time and distance between subsequent destinations. Whereas, Diaz et al. only uses destination information for distribution.

In the present invention, the electronic map (GIS) is used for planning and is not used for real-time monitoring tool. In Diaz et al. , the electronic map (GIS) is important tool for the system is operated in a real-time mode.

In order to obtain a best result of distribution information, such as weight of the goods, volume of goods, distribution time, destination, size of road, size of vehicles, fee charge, distance between destinations and so on, will be input into and used by the computer when performing calculations. In Diaz et al, the computer is used for allocation the real-time position of the vehicle and the position of the destination.

Diaz et al. do not teach establishing T&D data including customer information, distribution destination information, planned distribution time, road size, vehicle size, destination coordination, and time and distance between subsequent destinations; monitoring and controlling the distribution of the goods, a return of the goods after the distribution, and a return route of the vehicles utilizing a distribution and returning process system based on the supporting T&D result; analyzing the supporting T&D result and the at least one evaluation of the results of the monitoring and controlling during the distribution of the goods, the return of the good after distribution, and the return route of the vehicles utilizing a transportation result management system; an vehicle-arrangement and path plan module communicating with the geographic information system and arranging sequences of distributions depending on the data of customers and distributions; the vehicle-arrangement and path plan module developing and sending an order path network simulation to the geographic information system application module for displaying distribution paths; a vehicle and driver assignment module communicating with the vehicle-arrangement and path plan module and providing paths and data of transportation companies, characteristics of each vehicle and driver, and costs for process vehicle and driver assignment and goods distribution for each trip; a monitoring and recording module communicating with the vehicle-arrangement and path plan module and monitoring and recording the goods during distribution, vehicle running conditions, vehicle paths and distribution times; nor does Diaz et al. teach a basic data module communicating with the vehicle-arrangement and path plan module and storing the data of customers and distributions, the basic data module having

a T&D data maintain module, a vehicle-arrangement principle module, a region data maintain module, and a customer T&D data check and maintain module.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Diaz et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Diaz et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

It is further submitted that Diaz et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Diaz et al. render obvious any of Applicant's new claims under 35 U.S.C. § 103.

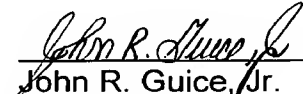
### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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